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28 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 **SAN FRANCISCO DIVISION**

21 AMERICAN FEDERATION OF  
22 GOVERNMENT EMPLOYEES, AFL-CIO, *et al.*,

Case No. 3:25-cv-03070-JD

23 Plaintiffs,

**DECLARATION OF RANDY ERWIN**

24 v.

25 DONALD J. TRUMP, in his official capacity as  
26 President of the United States, *et al.*,

27 Defendants.

## DECLARATION OF RANDY ERWIN

I, RANDY ERWIN declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.
2. I am the National President of the National Federation of Federal Employees, IAM, AFL-CIO (“NFFE”). NFFE is a national labor organization and unincorporated membership organization headquartered in Washington, D.C. NFFE is America’s first civil service federal employee union. NFFE is an affiliate of the International Association of Machinists and Aerospace Workers (IAM).
3. Nationwide, NFFE represents approximately 110,000 federal workers from agencies across the federal government.
4. In San Francisco, Oakland and the greater Bay Area, NFFE represents approximately 5377 employees, of which approximately 1400 are dues paying members.
5. NFFE members include nurses, psychologists, doctors, and physical therapists caring for our nation’s veterans in the Department of Veterans Affairs, civilian employees in the Department of Defense supporting our military personnel and their families, health care workers serving on military bases, wildland firefighters, rangers, and land management specialists in five federal land management agencies, passport specialists verifying and processing millions of U.S. passport applications each year, veterinarians ensuring the humane treatment of animals across the country, scientists conducting critical research and managing public data, employees improving our nation’s aerospace system at Federal Aviation Administration, and employees of the General Services

1                   Administration making sure the federal government has facilities and space to operate.

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3       6. NFFE represents the aforementioned employees at the Department of Veterans Affairs,

4                   Department of Defense, Department of State, General Services Administration, Bureau

5                   of Land Management in the Department of the Interior, Federal Aviation Administration

6                   within the Department of Transportation, and Animal Care in Animal Plant and Health

7                   Inspection Service within the Department of Agriculture, all affected by the Exclusion

8                   Order.

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11       7. NFFE represents approximately 21,900 employees working at Defense agencies

12                   including Defense Health Agency and service branches including the Army, Air Force,

13                   Space Force, Marine Corps, Navy and Coast Guard.

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16       8. NFFE represents approximately 1,500 employees at the Department of Interior's Bureau

17                   of Land Management.

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20       9. NFFE represents approximately 120 employees at the Animal and Plant Health

21                   Inspection Service at the Department of Agriculture. NFFE also represents

22                   approximately 130 employees at the Office of the Chief Information Officer at the

23                   Department of Agriculture.

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26       10. NFFE represents approximately 3,100 employees working at the General Services

27                   Administration.

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2 11. NFFE represents approximately 800 employees working at the Federal Aviation  
3 Administration, contained within the Department of Transportation.

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5 12. NFFE represents approximately 37,900 civilian employees working in Excluded  
6 Agencies, including DOD, VA, Interior (BLM), USDA (APHIS), State, Transportation  
7 (FAA) and GSA.

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10 13. A majority of NFFE's members work for the Excluded Agencies. Accordingly, the  
11 Exclusion Order will have a devastating impact on NFFE's finances by eliminating the  
12 majority of our revenue, threatening NFFE's existence in its current form.

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15 14. NFFE represents our federal sector members through negotiating collective bargaining  
16 agreements and assisting employees with enforcing them. We assert contractual and  
17 statutory rights on behalf of our federal sector members by filing grievances, unfair  
18 labor practice charges, or other complaints through our negotiated grievance procedure  
19 or with various federal agencies, including the Federal Labor Relations Authority, the  
20 Merit Systems Protection Board, the Office of Special Counsel, and the Federal Labor  
21 Relations Authority. NFFE files litigation on employees' behalf in the courts. We also  
22 advocate on Capitol Hill and in the media on issues of importance to federal workers  
23 and to veterans.

1 15. Since January 20, 2025, NFFE has engaged in extensive speech and petitioning activity  
2 opposing actions by the President and his administration. Prior to the issuance of the  
3 Exclusion Order on March 27, 2025, NFFE filed three separate lawsuits as a named  
4 plaintiff challenging various initiatives by the Trump Administration: *AFT v. Bessent*,  
5 No. 8:25-cv-00430 (D. Md.); *NTEU v. Trump*, No. 1:25-cv-00420 (D.D.C.); *Ctr. for*  
6 *Taxpayer Rts. v. IRS*, 1:25-cv-00457 (D.D.C.).  
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9 16. In *AFT v. Bessent*, No. 8:25-cv-00430 (D. Md.), which was filed February 10, 2025,  
10 NFFE, alongside other unions, organizations and individuals, filed suit against the United  
11 States Department of Education, United States Department of the Treasury, United States  
12 Office of Personnel Management, U.S. Attorney and U.S. Attorney General, and acting  
13 agency heads, alleging violation of the Privacy Act and seeking to immediately halt  
14 DOGE's access to sensitive agency systems and data. In a press statement on February  
15 10, NFFE claimed, "the richest person on the planet hacking into confidential and  
16 personal information is not only illegal, but also incredibly dangerous. Musk and his  
17 DOGE operatives have no right to access extremely sensitive information of the  
18 American public, particularly federal workers who have been targeted and attacked since  
19 inauguration day. It is clear that these unauthorized actors intend to use this illegally  
20 acquired data to advance their political agenda and undermine the civil service. The  
21 courts must stop this reckless disregard for the rule of law. Make no mistake – Musk and  
22 his operatives will not use this information to benefit Americans. They will use it to  
23 enrich themselves and their allies, to dismantle government agencies, and to harm  
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1 hardworking federal employees.” (<https://nffe.org/press-release/nffe-files-lawsuit-over-hack-of-confidential-federal-employee-data/>)

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4 17. On February 24, 2025, the district court in Maryland granted NFFE and the other  
5 plaintiffs’ motion and issued a temporary restraining order preventing the government  
6 from improperly accessing private information of federal sector workers and our  
7 members who are Veterans and those who have sought student loans. See *AFT v.*  
8 *Bessent*, No. 8:25-cv-00430 (D. Md.).

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11 18. On March 24, 2025, the district court in Maryland granted NFFE and the other plaintiffs’  
12 motion for preliminary injunction finding that “...Education, OPM, and Treasury granted  
13 expansive access to their systems of record—which house the plaintiffs’ PII—to  
14 individuals charged with implementing the President’s DOGE Executive Order. In doing  
15 so, the agencies likely violated the Privacy Act and the APA.” See *AFT v. Bessent*, No.  
16 8:25-cv-00430 (D. Md.).

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20 19. In *NTEU v. Trump*, No. 1:25-cv-00420 (D.D.C.), which was filed on February 12, 2025,  
21 NFFE alongside other unions, sued President Donald J. Trump and the agency heads of  
22 the Office of Personnel Management, U.S. Forest Service, Department of Veterans  
23 Affairs, Department of Defense, Goddard Space Flight Center, National Institutes of  
24 Health, Office of Management and Budget, Internal Revenue Service and Health and  
25 Human Services. In this case, we brought constitutional and statutory challenges to the  
26 firing of probationary employees, the deferred resignation program, and Executive Order

1 No. 14210 and claim that these executive actions violate constitutional separation-of-  
2 powers principles and the statute and regulations governing RIFs, including statutorily  
3 mandated notice requirements. In a press statement on February 13, NFFE claimed, “the  
4 Trump Administration’s executive actions to gut the federal workforce are not only  
5 illegal, but will also have damaging consequences for federal employees and the public  
6 services they provide. The courts must intervene and hold this Administration  
7 accountable for violating federal laws before it is too late. We cannot let the President  
8 disrupt their lives and dismantle critical services relied upon by the American people.  
9 These efforts hurt middle class Americans who chose to work in service to the public as  
10 federal employees. It is unpatriotic and unacceptable.” (<https://nffe.org/press-release/nffe-files-new-lawsuit-over-illegal-gutting-of-federal-workforce/>)  
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15 20. In *Ctr. for Taxpayer Rts. v. IRS*, 1:25-cv-00457, (D.D.C.), which was filed February 17,  
16 2025, NFFE, alongside other unions and organizations, sued the Internal Revenue  
17 Service, the Treasury Department, DOGE, and agency heads, alleging DOGE’s access to  
18 sensitive information systems lacks statutory authority and violates the Tax Reform Act,  
19 the Privacy Act, and the Administrative Procedure Act. . In a press statement on  
20 February 17, 2025, NFFE claimed, “the Privacy Act was established after Watergate to  
21 prevent exactly this type of behavior. Musk and his operatives’ unfettered, lawless access  
22 must be stopped.” (<https://democracyforward.org/updates/new-emergency-suit-filed-to-prevent-doge-from-stealing-taxpayer-business-data-from-irs/>)  
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26 21. On January 21, 2025, NFFE issued a statement criticizing the Trump Administration’s  
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1 executive orders targeting federal workers: “These EO<sup>s</sup> are designed to intimidate and  
2 attack nonpartisan civil servants under the guise of increasing efficiency; however, these  
3 orders will do the exact opposite. These actions create new problems, disrupt essential  
4 functions, and will ultimately reduce the availability of services to the American people.”  
5 The statement also declared the union is “prepared to counter every policy put forward by  
6 the new administration to ensure that our members have the freedom to serve their  
7 country as civilian federal workers without being unfairly pushed out, intimidated, or  
8 scapegoated.” (<https://nffe.org/press-release/nffe-president-erwin-new-administrations-executive-actions-will-impair-critical-services-for-americans/>)

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12 22. On January 30, 2025, NFFE issued a statement criticizing the Trump Administration’s  
13 “Deferred Resignation Program”: “This abuse of power is meant to replace nonpartisan  
14 civil servants with political operatives loyal to the Trump Administration. We saw the  
15 Project 2025 playbook implemented starting on Day One; many of the initiatives  
16 contained therein are designed to evade or disregard federal laws and regulations. This  
17 administration does not fear accountability from the courts, Congress, or the American  
18 people.” (<https://nffe.org/press-release/nffe-tells-feds-dont-fall-for-the-trump-quitting-scam/>)

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23 23. On February 3, 2025, in my capacity as NFFE National President, I criticized the Trump  
24 Administration’s “Deferred Resignation Program” on CNN: “It’s really irresponsible to  
25 run the federal government in this manner,” and “it is clear that [the Administration] does  
26 not care about how our government functions.” ([https://nffe.org/nffe\\_news/nffe-in-the-](https://nffe.org/nffe_news/nffe-in-the-)

1 [news-president-randy-erwin-discusses-deferred-resignation-offer/](https://nffe.org/nffe_news/nffe-in-the-news-president-randy-erwin-discusses-deferred-resignation-offer/)

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3 24. On February 5, 2025, I appeared on NPR Radio in my capacity as NFFE National

4 President and criticized the Trump Administration's intention to reduce the size of the

5 federal workforce by 75% as "absolutely irresponsible – impossible." Erwin also

6 criticized the Trump Administration's characterization of the federal workforce as

7 "hostile": "That is a ridiculous notion." ([https://nffe.org/nffe\\_news/nffe-in-the-news-president-erwin-live-on-npr-telling-feds-not-to-resign/](https://nffe.org/nffe_news/nffe-in-the-news-president-erwin-live-on-npr-telling-feds-not-to-resign/))

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11 25. On February 6, 2025, in my capacity as NFFE National President, I criticized the Trump

12 Administration's "Deferred Resignation Program" on CNN: "It's very clear that [the

13 Administration] does not care about the critical services that federal workers offer."

14 Erwin also criticized the Trump Administration's characterization of federal workers:

15 "They don't know what they're talking about, they're ill informed, or they're lying to

16 people on purpose." ([https://nffe.org/nffe\\_news/nffe-in-the-news-president-randy-erwin-on-cnn-urging-federal-workers-not-to-take-buyout/](https://nffe.org/nffe_news/nffe-in-the-news-president-randy-erwin-on-cnn-urging-federal-workers-not-to-take-buyout/))

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21 26. On February 10, 2025, as NFFE National President, I criticized President Trump on

22 CNN: "The President, under Article II of the Constitution, he has got to faithfully execute

23 the laws of this country and he is not doing that." Erwin also criticized the Trump

24 Administration's efforts to reshape the federal government: "This is going to be terrible

25 for the American people." Erwin also criticized the Trump Administration's

26 characterization of federal workers: "They're spreading lies about these people, saying

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1 they're lazy, they're not coming to work – all of those things are false. What [the  
2 Administration] really wants is another big tax cut for billionaires that we cannot afford  
3 in this country and they're going after working people to get it.”

4 ([https://nffe.org/nffe\\_news/nffe-in-the-news-president-erwin-tells-cnn-primetime-why-erratically-downsizing-the-federal-workforce-would-be-a-disaster/](https://nffe.org/nffe_news/nffe-in-the-news-president-erwin-tells-cnn-primetime-why-erratically-downsizing-the-federal-workforce-would-be-a-disaster/))  
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8 27. On February 12, 2025, NFFE issued a statement criticizing the Trump Administration’s  
9 executive order instructing federal agencies to limit hiring of only Trump loyalists and to  
10 conduct large-scale Reductions in Force: “By replacing qualified, career civil servants  
11 with political cronies or costly contractors, the workforce will lose the ability to speak out  
12 against corruption and inefficiencies. The end result is a government that only works for  
13 big businesses and Trump-Musk donors, but is broken for the rest of us. This Trump-  
14 Musk executive action has nothing to do with promoting efficiency or saving money for  
15 the American people – it is a blatant attempt to dismantle the civil service to eliminate  
16 oversight and provide tax cuts for the wealthy. A purge of the federal workforce will be a  
17 disaster for our country.” (<https://nffe.org/press-release/nffe-president-erwin-trump-musk-purge-of-federal-workforce-will-be-a-disaster-for-our-country/>)  
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22 28. On February 14, 2025, NFFE issued a statement criticizing large-scale elimination of  
23 critical civil service jobs by the Trump Administration: “The President and Elon Musk  
24 are being intentionally dishonest with the American public by claiming the mass firing of  
25 federal employees and downsizing of the civil service are about efficiency and cost  
26 savings. In reality, laying off thousands of important federal workers is inefficient and  
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1       cruel. It is a tremendous task to hire and retain a skilled civil service, and indiscriminately  
2       dismissing qualified workers is an incredible waste of time and money. Firing tens of  
3       thousands of civil servants puts a massive strain on public services that Americans  
4       depend on every day and makes our country considerably less safe. The dismantling of  
5       our federal workforce is not about cost savings, but an attempt to cause chaos and  
6       eliminate oversight of the White House, Musk, and their wealthy allies. It is disgusting to  
7       see the Trump Administration celebrate taking jobs from American workers and  
8       families.” (<https://nffe.org/press-release/nffe-president-erwin-mass-layoffs-of-federal-employees-are-inefficient-and-cruel/>) .

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12       29. On February 10, 2025, as NFFE National President, I criticized President Trump on  
13       CNN: “Our country is less safe and less efficient because of the actions taken by this  
14       Administration. We are in a more dangerous place today because of those actions.  
15       [President Trump] is not faithfully executing the laws of this country, that’s  
16       unconstitutional, and people should be really mad about that, and ultimately getting in the  
17       streets because we have got to abide by the Constitution in this country.”  
18       ([https://nffe.org/nffe\\_news/nffe-president-erwin-on-cnn-president-trump-is-not-faithfully-executing-the-laws-of-this-country/](https://nffe.org/nffe_news/nffe-president-erwin-on-cnn-president-trump-is-not-faithfully-executing-the-laws-of-this-country/))  
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23       30. On February 20, 2025, as NFFE National President, I spoke at a rally criticizing the  
24       Trump Administration and NFFE issued a corresponding statement: “[President Trump  
25       and his Administration] have no idea about the critical work that [federal employees] do.  
26       No idea whatsoever – and they don’t care. They offered resignations to 90% of the  
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1       federal government. Do you know how irresponsible that is? They are putting public  
2       safety at risk. They are inviting communities to burn – no exaggeration. They are inviting  
3       airplanes to fall out of the sky – no exaggeration. I've got a message for Donald Trump:  
4       you swore an oath to the Constitution, and you are not upholding that oath. The things  
5       [Trump] is doing are blatantly illegal. He knows it. He admits it. Under Article II, Section  
6       3 of the Constitution, he must faithfully execute the laws of this country, and he is not  
7       doing it. I don't care who you are or who you voted for – you should be furious about  
8       that!" (<https://nffe.org/press-release/nffe-president-erwin-admonishes-trump-for-unconstitutional-actions-in-firing-federal-workers-calls-congress-gutless-for-lack-of-oversight/>)

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14       31. On March 11, 2025, NFFE issued a statement criticizing the Trump Administration's  
15       decision to end collective bargaining for Transportation Security Administration (TSA)  
16       employees: "This is another attack on veterans, as a significant number go on to serve  
17       their country as TSA workers after completing military service. This move by President  
18       Trump and DHS is yet another attempt to demoralize the civil service. President Trump is  
19       making America less safe with this action." (<https://nffe.org/press-release/nffe-responds-to-stripping-of-tsa-workers-right-to-unionize/>)  
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23       32. On March 18, 2025, NFFE issued a statement in response to President Trump claiming of  
24       federal employees, "many of them don't work at all – many of them never show up to  
25       work.": "President Trump is once again lying to the American people about federal  
26       employees to pursue his corrupt political agenda. The playbook of Project 2025 is simple  
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1 – ruthlessly attack federal workers until they resign or are fired and replace them with  
2 those loyal not to their country or the constitution, but to President Trump. The truth of  
3 the matter is that President Trump and Elon Musk do not understand the critical services  
4 that the federal workforce delivers every day for this country. If the attacks on federal  
5 workers were about saving money or increasing efficiency, the President would not be  
6 illegally firing federal workers to help pay for a 4.5 trillion dollar tax cut that only  
7 benefits the ultrawealthy.” (<https://nffc.org/press-release/nffc-responds-to-president-trumps-baseless-claim-about-federal-employees-that-many-of-them-dont-work-at-all/>)  
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11 33. On March 28, 2025 NFFE issued a statement criticizing the Trump Administration’s  
12 executive order instructing federal agencies to unilaterally end collective bargaining with  
13 federal unions: “Make no mistake – this is the biggest assault on collective bargaining  
14 rights we have ever seen in this country. Federal workers’ collective bargaining rights are  
15 protected by law. The President does not have the right to unilaterally eliminate them.  
16 Those rights don’t just disappear simply because the President finds them inconvenient.  
17 The executive order issued by President Trump to gut federal collective bargaining rights  
18 is blatantly illegal and unconstitutional. NFFE and our allies will be challenging this  
19 executive action in court and we are confident the rule of law will be upheld in this  
20 country. It is clear that this executive order is retaliation for federal unions standing up to  
21 the Trump Administration’s attacks on the civil service. This is yet another direct attack  
22 not only on federal employees, but also veterans, working families, and the very fabric of  
23 our democracy. We cannot allow President Trump to trample over workers’ rights,  
24 destroy the federal workforce, and decimate the critical services our members provide for  
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1 the American people." ([https://nffe.org/nffe\\_news/federal-employees-union-president-rebukes-trumps-eo-gutting-collective-bargaining-rights-for-over-one-million-federal-workers/](https://nffe.org/nffe_news/federal-employees-union-president-rebukes-trumps-eo-gutting-collective-bargaining-rights-for-over-one-million-federal-workers/))  
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5 34. NFFE's operations are funded solely by members who pay dues to be members of the  
6 union, almost exclusively through Agency payroll deduction. NFFE will be financially  
7 harmed if the Executive Order is implemented because it will immediately lose dues  
8 revenue from members who are covered by the Executive Order. In that event, NFFE  
9 would immediately lose millions of dollars of revenue per year. NFFE currently does  
10 not have a mechanism to maintain membership of union members replacing Agency  
11 payroll deduction.  
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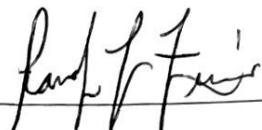
14 35. NFFE's ability to carry out its mission will be severely curtailed if union members in  
15 Excluded Agencies no longer have collective bargaining rights and cannot pay dues to  
16 NFFE through Agency payroll deduction. For example, NFFE would not have the  
17 ability to maintain current staff levels who help with training union leaders, assisting  
18 with grievances, negotiating collective bargaining agreements, advocating for  
19 employees on Capitol Hill, and filing litigation on behalf of the employees we represent.  
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22 36. NFFE members pay dues voluntarily as federal employees.  
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25 37. We have heard from members who are concerned about NFFE losing strength and  
26 bargaining power because of the threat of diminished membership and smaller  
27 bargaining units. NFFE leverages its size and the fact we represent approximately  
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1 110,000 federal employees when advocating in the media or to Congress and when  
2 bargaining with agencies. The Executive Order stands to reduce NFFE's size and  
3 capacity, thereby curbing our abilities to advocate for positive change for federal  
4 workers.

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6 I declare under penalty of perjury under the laws of the United States that the foregoing is  
7 true and correct. Executed April 4, 2025, in Arlington, Virginia.  
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11 RANDY ERWIN  
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